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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,927		02/27/2004	Werner Penkert	NHL-KEH-26A	6812
52671	7590	10/24/2006		EXAMINER	
KENNAM 1600 TECH			ADDISU	ADDISU, SARA	
LATROBE,			ART UNIT	PAPER NUMBER	
,				3722	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief Examiner Art Unit 3722 -The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 04 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal To a void abandonment of the following time periods: a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires on: (1) the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection. Examine Note: (1box 1: a checked, check either tox (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(6), and each on which the petition under 37 CFR 1.13(6) and the appropriate extension fee have been filed in the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in the application of the other shortes data to the final rejection, even if timely filed, and the appropriate extension fee of the p				
Examiner Sara Addisu -The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 04 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. □ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application application in condition for allowance; (2) a Notice of Appeal (31 CR) and a replication in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) □ The period or reply expires months from the mailing date of the final rejection with the statutory period for reply expire and the statutory perio		Application No.	Applicant(s)	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 04 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. I. ★ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal replie pin compliance with 37 CFR 4.131.cr (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expires better than SX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN THE FIRST REPLY WAS FILED WITHIN THE FIRST REPLY WAS FILED WITHIN THE FIRST SEPLY WAS FILED WITHIN THE FIRST SE	Advisory Action	10/789,927	PENKERT, WERNER	
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THE REPLY FILED <u>04 October 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1.		Sara Addisu	3722	
 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, application, and the proposed in the supplication in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expiresmonths from the mailing date of the final rejection. b) ☑ The period for reply expiresmonths from the mailing date of the final rejection. Examiner Note: (160 x) is checked, check either box (a) or (b). NTHS from the mailing date of the final rejection. Examiner Note: (160 x) is checked, check either box (a) or (b). ONLY-OHCEN BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.70(b). NOTICE OF APPEAL. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)). MENDMENTS M The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise the issue of new matter (The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence address	
this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.144. The reply must be filed within one of the following time periods: a)	THE REPLY FILED 04 October 2006 FAILS TO PLACE THIS A	APPLICATION IN CONDITION FOR	R ALLOWANCE.	
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: if box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL. In the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS AMENDMENTS AMENDMENTS When y raise new issues that would require further consideration and/or search (see NOTE below); (b) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are not incompliance with 37 CFR 1.121. See attached Notice of Non-Compliant Am	this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Notal Request for Continued Examination (RCE) in compliance time periods:	wing replies: (1) an amendment, aff stice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mo	idavit, or other evidence, which compliance with 37 CFR 41.31; or (3)	
TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s):	no event, however, will the statutory period for reply expire	later than SIX MONTHS from the mailin	g date of the final rejection.	
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how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: 14, 18. Claim(s) rejected: 1-13,17 and 19-22. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be	non-allowable claim(s).			
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	8. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an			
showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.	entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe y and was not earlier presented. S	al and/or appellant fails to provide a see 37 CFR 41.33(d)(1).	

S.A 10/8/06

13. Other: ____.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).

BOYER D. ASHLEY SUPERVISORY PATENT EXAMINER Continuation of 3. NOTE: Independent claims 1, 14 and 19 include limitations that raise new issue that require further searching. ...